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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,817	01/31/2005	Jean-Paul Froment	14954NP	4861

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EXAMINER

SUTTON, ANDREW W

ART UNIT	PAPER NUMBER
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3765

MAIL DATE	DELIVERY MODE
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07/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,817

Applicant(s)

FROMENT, JEAN-PAUL

Examiner

Andrew W. Sutton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/31/05 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/31/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the convex portions of the part and the loop must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant claims a part 35 whose external transverse profile is substantially convex. The claim further states a hoop 40 with a convex internal transverse profile. The examiner is unclear as to what the applicant is trying to claim as the applicant fails to show part 35 and hoop 40 having a substantially convex shape.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-8, 12-14, 18, 21-28, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Giarding (US 1,082,317). Giarding teaches a frame for a loom having two struts c with two crossbars a and b with the extremity of the crossbars having a locking part j of an adjacent strut. The cross section of the crossbar b has a convex profile and further includes a hoop c2, also having a convex profile surrounding said profile and locking member j.

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As to claim 2, the hoop c2 surrounds the convex profile, which is tubular and surrounds the locking member j.

As to claim 3, the crossbar a is provided between zone of junction j of the strut and crossbar and the heald carrier rod e with a volume g for receiving said hoop c2.

As to claim 4, Giarding illustrates a i2 extending between the zone of junction and the rod f2, in a direction substantially parallel to the longitudinal axis of the crossbar a.

As to claim 5, the groove i2 opens on the terminal face of the crossbar a.

As to claim 7, the heald carrier rod e extends over a part of the length opposite of the zone of junction j.

As to claim 8, screw j would immobilize the hoop c2.

As to claim 12, Giarding illustrates the hoop c2 having a orifice for passing a locking member j.

As to claim 13, Giarding illustrates the metal hoop c2 being bent around the zone of junction.

As to claim 14, Giarding illustrates the mechanical means j for immobilization of the strut and tensioning the hoop c2 at the end part.

As to claim 18, once the strut c and hoop c2 is assembled with the screw j, it would be one piece with the elongated part of the strut C.

As to claim 19, Giarding illustrates part f2 of the strut c is inserted in the crossbar a with mechanical means (screw).

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As to claim 21, Giarding teaches the lower zone of the hoop c2 is in contact with the strut c.

As to claim 22, Giarding illustrates a control screw i4, perpendicular to the longitudinal axis of the crossbar a and beyond the part h introduced in said crossbar a, with respect to a principal part c of the strut.

As to claim 23, Giarding illustrates the hoop c2 surround the extremity of the principal part of the crossbar and extends beyond this extremity in a tubular part f for receiving and immobilizing said part of a strut c.

As to claim 24, Giarding illustrates the hoop c2 crimped around the crossbar a.

As to claim 25, Giarding further illustrates the flexible slot b4 of crossbar b as shown in Fig. 6.

As to claim 26, Giaring illustrates the extremity of the convex profile of b is substantially rectangular and in the said slot b4 is made in along the long length of the side b4.

As to claim 27, Giarding illustrates the substantially convex profile of part a of the extremity of the crossbar by adding filling element g between part a and said hoop c2.

As to claim 28, Giarding states in the title the frame is for a loom.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Giarding (US 1,082,317). Giarding teaches the device substantially above. Giarding does not teach the slot not opening on the terminal face of the crossbar b. The applicant states no criticality to the slot not facing on the terminal end. It would have been obvious to one of ordinary skill in the art to extend the crossbar a and b to allow for a more secure connection with the hoop c2.

As to claim 11, Giarding teaches the device substantially above. Giarding does not teach the use of glue between the hoop c2 and crossbar a. It would have been obvious to one of ordinary skill in the art to use glue to further secure the joint to prevent the screw j from coming loose.

Allowable Subject Matter

Claims 9-10, 15-17 and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form PTO-892.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W. Sutton whose telephone number is (571) 272-6093. The examiner can normally be reached on Monday - Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary L. Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AWS
7/22/07



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